

**Introduced by Senator Kuehl**

(Principal coauthors: Assembly Members Goldberg, Koretz, Laird,  
and Leno)

**(Coauthor: Senator Kehoe)**

February 22, 2005

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An act to add Section 24300.3 to the Education Code, and to add Sections 21451.5 and 31760.7 to the Government Code, relating to domestic partners, and making an appropriation therefor.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 973, as introduced, Kuehl. Public employees' retirement: domestic partners.

(1) Under the State Teachers' Retirement System, any member retiring from service may elect to receive his or her retirement allowance pursuant to specified options. Those allowances are made from the Teachers' Retirement Fund, a continuously appropriated fund.

This bill would entitle a retired member and his or her domestic partner to elect or change any optional retirement allowance under the system, if specified criteria are satisfied. Because moneys in the Teachers' Retirement Fund would be used for a new purpose, the bill would make an appropriation. The bill would further provide that payments made thereto are not retroactive.

(2) Under the Public Employees' Retirement System, any member retiring from service may elect to receive his or her retirement allowance pursuant to specified options. Those allowances are made from the Public Employees' Retirement Fund, a continuously appropriated fund.

This bill would entitle a retired member and his or her domestic partner to elect or change any optional retirement allowance under the system, if specified criteria are satisfied. Because moneys in the

Public Employees' Retirement Fund would be used for a new purpose, the bill would make an appropriation. The bill would further provide that payments made thereto are not retroactive.

(3) Under the County Employees Retirement Law of 1937, any member retiring from service may elect to receive his or her retirement allowance pursuant to specified options.

This bill would entitle a retired member and his or her domestic partner to the same entitlements as described above, if specified criteria are satisfied.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 24300.3 is added to the Education  
2 Code, to read:

3 24300.3. (a) A retired member and his or her domestic  
4 partner shall be entitled to elect or change any optional  
5 retirement allowance pursuant to this chapter, if all of the  
6 following criteria are satisfied:

7 (1) The retired member and domestic partner are currently  
8 registered as domestic partners with the Secretary of State, and  
9 provide a copy of their Certificate of Registered Domestic  
10 Partnership to the retirement system.

11 (2) The retired member and domestic partner sign an affidavit  
12 stating that at the time prescribed by the retirement system for  
13 married spouses to elect an option, the member and partner  
14 would have qualified to be registered as domestic partners  
15 pursuant to Section 297 of the Family Code, and would have  
16 registered their partnership had state domestic partnership  
17 registration existed.

18 (3) The retired member demonstrates that any two of the  
19 following were true at the time prescribed by the retirement  
20 system for married spouses to elect an option:

21 (A) Domestic partnership registration prior to the system's  
22 election date with any other foreign, state, or local government.

23 (B) Joint ownership of real property or an automobile.

24 (C) Joint ownership of a bank account.

25 (D) Joint signers on a lease for a residence.

1 (E) Utilities bill accounts at same residence were held in both  
2 names, either separately or jointly.

3 (4) In lieu of one of the criteria under paragraph (3), the retired  
4 member provides a signed affidavit from a person who knew the  
5 retired member and partner at the time of the retirement system's  
6 election date stating that the couple shared a common residence  
7 and would have met the qualifications of Section 297 of the  
8 Family Code at that time.

9 (b) The retirement system has no obligation to locate or  
10 otherwise contact retired members who may qualify for  
11 allowances under the terms of this section.

12 (c) Qualification under this section of domestic partners to  
13 receive allowances shall be prospective only. Domestic partners  
14 who qualify to receive prospective payment of an allowance shall  
15 not be eligible to recover payment retroactively for any period  
16 between the retired member's retirement date and the date of  
17 qualification under this section.

18 (d) After the retirement system receives documentation from  
19 the retired member demonstrating that the member and his or her  
20 domestic partner qualify for allowances, the system has 60 days  
21 to verify documentation and initiate benefits or benefit status.

22 SEC. 2. Section 21451.5 is added to the Government Code, to  
23 read:

24 21451.5. (a) A retired member and his or her domestic  
25 partner shall be entitled to elect or change any optional  
26 retirement allowance pursuant to this article, if all of the  
27 following criteria are satisfied:

28 (1) The retired member and domestic partner are currently  
29 registered as domestic partners with the Secretary of State, and  
30 provide a copy of their Certificate of Registered Domestic  
31 Partnership to the retirement system.

32 (2) The retired member and domestic partner sign an affidavit  
33 stating that at the time prescribed by the retirement system for  
34 married spouses to elect an option, the member and partner  
35 would have qualified to be registered as domestic partners  
36 pursuant to Section 297 of the Family Code, and would have  
37 registered their partnership had state domestic partnership  
38 registration existed.

1 (3) The retired member demonstrates that any two of the  
2 following were true at the time prescribed by the retirement  
3 system for married spouses to elect an option:

4 (A) Domestic partnership registration prior to the system's  
5 election date with any other foreign, state, or local government.

6 (B) Joint ownership of real property or an automobile.

7 (C) Joint ownership of a bank account.

8 (D) Joint signers on a lease for a residence.

9 (E) Utilities bill accounts at same residence were held in both  
10 names, either separately or jointly.

11 (4) In lieu of one of the criteria under paragraph (3), the retired  
12 member provides a signed affidavit from a person who knew the  
13 retired member and partner at the time of the retirement system's  
14 election date stating that the couple shared a common residence  
15 and would have met the qualifications of Section 297 of the  
16 Family Code at that time.

17 (b) The retirement system has no obligation to locate or  
18 otherwise contact retired members who may qualify for  
19 allowances under the terms of this section.

20 (c) Qualification under this section of domestic partners to  
21 receive allowances shall be prospective only. Domestic partners  
22 who qualify to receive prospective payment of an allowance shall  
23 not be eligible to recover payment retroactively for any period  
24 between the retired member's retirement date and the date of  
25 qualification under this section.

26 (d) After the retirement system receives documentation from  
27 the retired member demonstrating that the member and his or her  
28 domestic partner qualify for allowances, the system has 60 days  
29 to verify documentation and initiate benefits or benefit status.

30 SEC. 3. Section 31760.7 is added to the Government Code, to  
31 read:

32 31760.7. (a) A retired member and his or her domestic  
33 partner shall be entitled to elect or change any optional  
34 retirement allowance pursuant to this article, if all of the  
35 following criteria are satisfied:

36 (1) The retired member and domestic partner are currently  
37 registered as domestic partners with the Secretary of State, and  
38 provide a copy of their Certificate of Registered Domestic  
39 Partnership to the retirement system.

(2) The retired member and domestic partner sign an affidavit stating that at the time prescribed by the retirement system for married spouses to elect an option, the member and partner would have qualified to be registered as domestic partners pursuant to Section 297 of the Family Code, and would have registered their partnership had state domestic partnership registration existed.

(3) The retired member demonstrates that any two of the following were true at the time prescribed by the retirement system for married spouses to elect an option:

(A) Domestic partnership registration prior to the system's election date with any other foreign, state, or local government.

(B) Joint ownership of real property or an automobile.

(C) Joint ownership of a bank account.

(D) Joint signers on a lease for a residence.

(E) Utilities bill accounts at same residence were held in both names, either separately or jointly.

(4) In lieu of one of the criteria under paragraph (3), the retired member provides a signed affidavit from a person who knew the retired member and partner at the time of the retirement system's election date stating that the couple shared a common residence and would have met the qualifications of Section 297 of the Family Code at that time.

(b) The retirement system has no obligation to locate or otherwise contact retired members who may qualify for allowances under the terms of this section.

(c) Qualification under this section of domestic partners to receive allowances shall be prospective only. Domestic partners who qualify to receive prospective payment of an allowance shall not be eligible to recover payment retroactively for any period between the retired member's retirement date and the date of qualification under this section.

(d) After the retirement system receives documentation from the retired member demonstrating that the member and his or her domestic partner qualify for allowances, the system has 60 days to verify documentation and initiate benefits or benefit status.

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2	CORRECTIONS:	
3	Heading—Add coauthor—	
4		_____